

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

ADAM GOBER,

Case No. 3:20-cv-00581-MMD-CLB

Plaintiff,

ORDER

v.

JOHN NIMAN, *et al.*,

Defendants.

Pro se Plaintiff Adam Gober brings this action under 42 U.S.C. § 1983. Before the Court is the Report and Recommendation (“R&R” or “Recommendation”) of United States Magistrate Judge Carla L. Baldwin (ECF No. 5), recommending the Court grant his *in forma pauperis* application (“IFP Application”), but dismiss his case as *Heck*-barred.¹ Plaintiff had until December 18, 2020 to file an objection.² To date, no objection to the R&R has been filed. For this reason, and as explained below, the Court adopts the R&R, and will dismiss this case.

The Court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). Where a party fails to object to a magistrate judge’s recommendation, the Court is not required to conduct “any review at all . . . of any issue that is not the subject of an objection.” *Thomas v. Arn*, 474 U.S. 140, 149 (1985); *see also United States v. Reyna-Tapia*, 328 F.3d 1114, 1116 (9th Cir. 2003) (“De novo review of the magistrate judges’ findings and recommendations is required if, but *only* if, one or both parties file objections to the findings and recommendations.”) (emphasis in original); Fed. R. Civ. P. 72, Advisory

¹*Heck v. Humphrey*, 512 U.S. 477 (1994).

²Plaintiff originally had until November 19, 2020 (ECF No. 5), but the Court granted (ECF No. 7) his motion to extend the objection period (ECF No. 6).

1 Committee Notes (1983) (providing that the Court “need only satisfy itself that there is no
2 clear error on the face of the record in order to accept the recommendation.”).

3 Because there is no objection, the Court need not conduct de novo review, and is
4 satisfied Judge Baldwin did not clearly err. Here, Judge Baldwin recommends granting
5 Plaintiff’s IFP Application because he appears unable to pay the filing fee. (ECF No. 5 at
6 2.) However, she recommends the Court dismiss Plaintiff’s case because his claims are
7 *Heck*-barred, and the named Defendants are otherwise entitled to immunity. (*Id.* at 4-5.)
8 She recommends the dismissal be with prejudice because amendment would be futile.
9 (*Id.* at 5.) The Court agrees with Judge Baldwin. Having reviewed the R&R and the record
10 in this case, the Court will adopt the R&R in full.

11 It is therefore ordered that Judge Baldwin’s Report and Recommendation (ECF
12 No. 5) is accepted and adopted in full.

13 It is further ordered that Plaintiff’s application to proceed *in forma pauperis* (ECF
14 No. 4) is granted.

15 The Clerk of Court is directed to file Plaintiff’s Complaint (ECF No. 1-1).

16 It is further ordered that Plaintiff’s Complaint (ECF No. 1-1) is dismissed, in its
17 entirety, with prejudice.

18 The Clerk of Court is further directed to enter judgment accordingly and close this
19 case.

20 DATED THIS 28th Day of December 2020.

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24 MIRANDA M. DU
25 CHIEF UNITED STATES DISTRICT JUDGE
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